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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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**RICKEY A. BECHTEL,**

)

**Plaintiff,**

)

**v.**

)

**DANIEL A. VIRTUE, Business Agent of the  
International Brotherhood of Teamsters;  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS; LOCAL 776,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS; ABF FREIGHT SYSTEM,  
INCORPORATED,**

)

**Case No. 3:01-CV-789  
Judge Sylvia H. Rambo**

**Defendants.**

)

**FILED  
HARRISBURG, PA**

JUN 05 2002

MARY E. D'ANNUARO, CLERK  
Per \_\_\_\_\_ Deputy Clerk

**JOINT MOTION FOR POSTPONEMENT**

Plaintiff Rickey Bechtel (“Bechtel”) and Defendants ABF Freight System, Inc. (“ABF”), Daniel A. Virtue (“Virtue”), Local 776, International Brotherhood of Teamsters (“Local 776”), and International Brotherhood of Teamsters (“IBT”)(collectively “the Parties”) hereby move for a postponement of the trial date in this matter, and the corresponding pretrial obligations. In support of this motion, the Parties state as follows:

1. The Court’s Case Management Order, dated October 4, 2001, placed this case on the July 2002 trial list, with jury selection to commence on July 1, 2002. The Court set a pretrial conference for June 28, 2002. Pretrial briefs are due to be filed with the Court on or before June 21, 2002.

2. On April 15, 2002, Defendant ABF filed a Motion for Summary Judgment. Defendants Virtue, Local 776, and the IBT filed a joint Motion for Summary Judgment on the

same date. Each motion raises several issues, which, if resolved in Defendants' favor, would be dispositive of this matter.

3. Plaintiff requested and received an extension of time to file Oppositions to Defendants' Motions for Summary Judgment. Pursuant to the Court's Order dated May 13, 2002, Plaintiff was granted an extension until May 24, 2002 to file his Oppositions.

4. On May 24, 2002, Plaintiff filed an Opposition to Defendant ABF's Motion for Summary Judgment, Response to Statement of Undisputed Material Facts Submitted in Support of Defendant ABF Freight System, Inc.'s Motion for Summary Judgment, and Exhibits. On May 31, 2002 Plaintiff filed an Amended Response in Opposition to Defendants' Motion for Summary Judgment. Plaintiff also filed a Motion for Leave to File Plaintiffs' Response to Defendant's Statement of [Undisputed] Material Facts, accompanied by Plaintiff's Response to Defendant's Statement of [Undisputed] Material Facts. Plaintiff served each Defendant with each of the above referenced documents on May 31, 2002.

5. Based on the May 31, 2002 service date of Plaintiff's responsive papers, Defendants' reply briefs are due on June 14, 2002.

6. Due to the various extensions granted to the Plaintiff during the briefing process, this matter will not be fully briefed until seven working days prior to the scheduled pretrial conference and eight working days prior to the scheduled start of voir dire.

7. The Parties agree that a postponement of the trial date is necessary to enable the Court to fully evaluate the evidence presented and arguments raised in Defendants' Motions for Summary Judgment, and Plaintiff's Oppositions thereto, including scheduling oral argument should the Court believe it is necessary. Furthermore, the Parties believe that it would be a

significant waste of judicial resources to hold a pretrial conference and move forward with trial preparation as these dispositive motions are pending.

WHEREFORE, the Parties jointly move that this Court enter an Order postponing the trial date in this matter until the Court has had the opportunity to review and consider Defendants' Motions for Summary Judgment and Plaintiff's Opposition thereto. The Parties request that the Court issue a Revised Case Management Order placing this case on the October 2002 trial calendar,<sup>1/</sup>and adjust the dates for the pretrial conference and submission of pretrial briefs accordingly.

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<sup>1/</sup> The parties request that this case be assigned to the October trial calendar due to conflicts with previously scheduled trials, administrative hearings, and vacations during the summer months.

Respectfully submitted,



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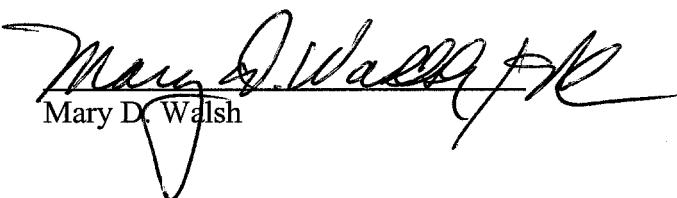
  
James A. McCall  
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25 Louisiana Avenue, N.W.  
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Dated: June 5, 2002

**CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE**

I, Mary D. Walsh, certify that on June 4, 2002, I contacted Robert S. Mirin, counsel for Plaintiff, who informed me that Plaintiff concurred in this Motion. On the same date, I contacted Jason Weinstock, Counsel for Virtue, Local 776, International Brotherhood of Teamsters and the International Brotherhood of Teamsters, who informed me that Defendants Virtue, Local 776, and the IBT concur in this motion.



Mary D. Walsh

A handwritten signature in black ink, appearing to read "Mary D. Walsh". Below the signature, the name "Mary D. Walsh" is printed in a smaller, standard font.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of June 2002, a copy of the parties' Joint Motion for Postponement and proposed Order was served via facsimile and first class mail, postage prepaid on the following:

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